

Norfolk District Standard Operating Procedures
for Section 106 Coordination
with the Virginia Department of Historic Resources (VDHR)

I. Review for Historic Resources

- A. Determine Corps permit area for the project.
- B. Review VDHR's Data Sharing System (DSS) or the Corps' GIS historic properties layer for information on known historic properties in project area.
- C. Determine if there are any National Register listed or potentially eligible historic resources (architectural, landscapes, battlefields, etc.) on the project site or that could be affected visually by the undertaking.
- D. Certain Nationwide and Regional Permits have been programmatically excluded from coordination on historic properties (see attached "Corps and VDHR Programmatic Exclusions" June, 2007).
 - For permit types listed as "programmatically excluded", provided a review of VDHR's DSS does not indicate the existence of inventory properties listed as eligible or potentially eligible National Register listed properties in the project area and the activity is not associated with other actions requiring coordination, these activities are programmatically excluded from review.
 - Document to the file that project is programmatically excluded and include a print out from the DSS. Include appropriate subordinate action in Corps database (ORM).
 - If the DSS indicates the existence of inventory properties listed as eligible or potentially eligible National Register listed properties in the project area, follow the coordination as noted below.
- E. If project is an individual permit which requires a public notice, be sure to include information about the known historic resource(s) in the public notice (locational information and maps are NOT to be included in the public notice).

II. Coordination with VDHR

A. No Coordination Required with VDHR

- No known historic properties on the project site; and
- Corps permit area is less than 1 acre; and
- No National Register listed or potentially eligible historic resources (architectural, landscapes, battlefields, etc.) that could be affected visually by the undertaking.
- Document to the file - "no historic properties affected" (DSS print out placed in file).
- Include appropriate subordinate action in Corps database (ORM).

B. Coordination Required with VDHR

- Known historic properties present in permit area or viewshed; or
- Corps scope of analysis ("permit area") is greater than 1 acre; or
- National Register listed or potentially eligible resources (architectural, landscapes, battlefields, etc.) could be affected visually by the undertaking.

Norfolk District Standard Operating Procedures
for Section 106 Coordination
with the Virginia Department of Historic Resources (VDHR)

C. Coordination Procedures

- Review VDHR's Data Sharing System (VDHR DSS) for information on known historic properties in project area and print out a copy of the map.
- Complete the "VDHR Coordination Form" form and provide the information required by VDHR for project review. If the Corps effect determination is known, include the determination and VDHR concurrence line.
- Send to VDHR:
 1. VDHR coordination memo
 2. Project Vicinity Map or Quad Sheet (with location marked)
 3. Plan view drawings with permit area marked
 4. Printout from VDHR Data Sharing System (DSS)
 5. DSS inventory form for known historic properties
 6. Photos of structures (if available)
 7. Copies of previous correspondence from VDHR
- Faxed copies can be difficult to read. It is suggested that information is mailed or scanned and sent by e-mail. Document coordination- delivery confirmation, "read receipt" or fax receipt can be used to insure the information is received.
- VDHR has 30 days from receipt to comment.

III. VDHR Comments

A. No Historic Properties Affected

- If VDHR does not respond or does not object to our "no historic properties affected" determination by the end of their 30 day comment period, then the Section 106 process ends.
- Document to the file- "no historic properties affected".
- Include appropriate subordinate action in Corps database (ORM).
- If VDHR disagrees with our determination, see Section V, Dispute Resolution.

B. Archeological Survey or Additional Information Required

- If VDHR recommends an archeological survey or requests additional information, coordinate with your supervisor to determine our action. VDHR will provide justification for survey requests.
- Corps will require archeological surveys within the permit area only. Coordinate with VDHR regarding the area to be surveyed prior to contacting applicant.
- The applicant may be informed about the additional information or survey requirements verbally but a letter must follow (form letter in Regulatory Shared files).
- Copies of any reports must be forwarded to both the Corps and VDHR for approval.

Norfolk District Standard Operating Procedures
for Section 106 Coordination
with the Virginia Department of Historic Resources (VDHR)

- VDHR needs two copies of the report- one for the Richmond office and one for the regional office. Submittal to VDHR must include request for concurrence with report recommendations from Corps.
- Send a copy (or request that the applicant's agent send it) of Phase II reports for Native American archeological sites to the Virginia Council on Indians (VCI):
ATTN: Deanna Beacham, Program Specialist
P.O. Box 1475
Richmond, Virginia 23218
804-225-2084
Deanna.Beacham@governor.virginia.gov

IV. Assess Effects on Historic Properties

A. No Historic Properties Affected

- An archeological or architectural survey has been conducted, and the report indicates that there are no historic properties in the permit area or viewshed, or that the historic properties are not eligible for the National Register; and
- VDHR concurs with the findings in the report.
- Document to the file- "no historic properties affected".
- Include appropriate subordinate action in Corps database (ORM).

B. No Adverse Effect

- In coordination with VDHR, we determine that there are historic properties that are eligible or potentially eligible for the National Register that could be affected by the undertaking.
- The project is modified or permit conditions are imposed such that the effects on the historic property are not adverse.
- If VDHR concurs with a finding of "no adverse effect", or no response is received after 30 days from VDHR's receipt of such a finding, then the permit may proceed.
- No coordination with ACHP is required for "no adverse effect" determinations.
- Include appropriate subordinate action in Corps database (ORM).

C. Adverse Effect

- In coordination with VDHR, we determine that there are historic properties that are eligible or potentially eligible for the National Register that will be adversely affected by the undertaking.
- Notify ACHP per 800.6(a)(1)- (see form letter in Regulatory Shared Files) and determine if they will participate (in most cases, no)- 15 day response required from ACHP.
- Place notice on the Regulatory web site to notify public about project and effects to historic properties or have the applicant place a notice in the local newspaper (unless a public notice discussed historic property issues).

Norfolk District Standard Operating Procedures
for Section 106 Coordination
with the Virginia Department of Historic Resources (VDHR)

- Consulting parties- the local government must be invited to be a consulting party. Other interested parties may be invited to participate in the consultation if recommended by VDHR or if they request participation.
- Work with SHPO, ACHP (if involved), consulting parties, and the applicant to resolve adverse effects.
- A Memorandum of Agreement must be executed to finalize section 106, unless there is no resolution and the coordination is terminated (consult Section Chief regarding termination procedures).
- A copy of the MOA must be forwarded to the ACHP (800.6(b)) (see form letter in Regulatory Shared Files) prior to permit issuance.
- Include appropriate subordinate action in Corps database (ORM).

V. Dispute Resolution

If at any point in the coordination process there are disagreements with the agencies or applicant on the course of action, consult with your Section Chief.